

§ 256.9

ZONES AND FOOTNOTES—LAND USE  
CATEGORY—Continued  
[See footnotes at end of table]

|  | Compatibility <sup>1</sup> |                     |                   |
|--|----------------------------|---------------------|-------------------|
|  | Clear zone                 | APZ I               | APZ II            |
| Food—retail .....  | .....do                    | .....do             | Do.               |
| Automotive, marine, aviation—retail .....                    | .....do                    | Yes ....            | Do.               |
| Apparel and accessories—retail .....                         | .....do                    | No .....            | Do.               |
| Furniture, homefurnishing—retail .....                       | .....do                    | .....do             | Do.               |
| Eating and drinking places .....                             | .....do                    | .....do             | No.               |
| Other retail trade .....                                     | .....do                    | .....do             | Yes.              |
| Personal and business services: <sup>5</sup> .....           | .....do                    | .....do             | Do.               |
| Finance, insurance and real estate. ....                     | .....do                    | .....do             | Do.               |
| Personal services .....                                      | .....do                    | .....do             | Do.               |
| Business services .....                                      | .....do                    | .....do             | Do.               |
| Repair services .....  | .....do                    | Yes ....            | Do.               |
| Professional services .....                                  | .....do                    | No .....            | Do.               |
| Contract construction services ...                           | .....do                    | Yes ....            | Do.               |
| Indoor recreation services .....                             | .....do                    | No .....            | Do.               |
| Other services .....   | .....do                    | .....do             | Do.               |
| Public and quasi-public services:                            |                            |                     |                   |
| Government service .....                                     | .....do                    | .....do             | Yes. <sup>5</sup> |
| Educational services .....                                   | No .....                   | No .....            | No.               |
| Cultural activities .....                                    | .....do                    | .....do             | Do.               |
| Medical and other health services. ....                      | .....do                    | .....do             | Do.               |
| Cemeteries .....   | .....do                    | Yes <sup>6</sup> .. | Yes. <sup>6</sup> |
| Nonprofit organization including churches. ....              | .....do                    | No .....            | No.               |
| Other public and quasi-public services. ....                 | .....do                    | .....do             | Yes.              |
| Outdoor recreation:  |                            |                     |                   |
| Playground's neighboring parks .....                         | .....do                    | .....do             | Yes.              |
| Community and regional parks ..                              | .....do                    | Yes <sup>7</sup> .. | Yes. <sup>7</sup> |
| Nature exhibits .....  | .....do                    | Yes ....            | Yes.              |
| Spectator sports including arenas. ....                      | .....do                    | No .....            | No.               |
| Golf course, <sup>8</sup> riding stables <sup>9</sup> .....  | .....do                    | Yes ....            | Yes.              |
| Water based recreational areas .....                         | .....do                    | .....do             | Do.               |
| Resort and group camps .....                                 | .....do                    | No .....            | No.               |
| Entertainment assembly .....                                 | .....do                    | .....do             | Do.               |
| Other outdoor recreation .....                               | .....do                    | Yes <sup>7</sup> .. | Yes.              |
| Resource production and extraction and open land:            |                            |                     |                   |
| Agriculture <sup>10</sup> .....                              | Yes ....                   | Yes ....            | Do.               |
| Livestock farming, animal breeding <sup>11</sup> . ....      | No .....                   | .....do             | Do.               |
| Forestry activities <sup>12</sup> .....                      | No <sup>13</sup> ..        | Yes ....            | Do.               |
| Fishing activities and related services <sup>14</sup> . .... | No <sup>15</sup> ..        | Yes <sup>14</sup>   | Do.               |
| Mining activities .....                                      | No .....                   | Yes ....            | Do.               |
| Permanent open space .....                                   | Yes ....                   | .....do             | Do.               |

32 CFR Ch. I (7–1–11 Edition)

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CATEGORY—Continued  
[See footnotes at end of table]

|                                 | Compatibility <sup>1</sup> |         |        |
|---------------------------------|----------------------------|---------|--------|
|                                 | Clear zone                 | APZ I   | APZ II |
| Water areas <sup>14</sup> ..... | .....do                    | .....do | Do.    |

Footnotes.  
<sup>1</sup>A “Yes” or “No” designation for compatible land use is to be used only for gross comparison. Within each, uses exist where further definition may be needed as to whether it is clear or normally acceptable/unacceptable owing to variations in densities of people and structures.  
<sup>2</sup>Suggested maximum density 1–2 DU/AC, possibly increased under a planned unit development where maximum lot covered less than 20 percent.  
<sup>3</sup>Tactics to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution.  
<sup>4</sup>No passenger terminals and no major above ground transmission lines in APZ I.  
<sup>5</sup>Low intensity office uses only. Meeting places, auditoriums, etc., not recommended.  
<sup>6</sup>Excludes chapels.  
<sup>7</sup>Facilities must be low intensity.  
<sup>8</sup>Clubhouse not recommended.  
<sup>9</sup>Concentrated rings with large classes not recommended.  
<sup>10</sup>Includes livestock grazing but excludes feedlots and intensive animal husbandry.  
<sup>11</sup>Includes feedlots and intensive animal husbandry.  
<sup>12</sup>No structures (except airfield lighting), buildings or above ground utility/communication lines should be located in the clear zone. For further runway safety clearance limitations pertaining to the clear zone see AFM 86–6 TM 5–803–4 and NAVFAC P–80.<sup>2</sup>  
<sup>13</sup>Lumber and timber products removed due to establishment, expansion or maintenance of clear zones will be disposed of in accordance with DoD Instruction 4170.7, “Natural Resources—Forest Management,” June 21, 1965 (32 CFR 233) and DoD Instruction 7310.1, “Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products,” July 10, 1970.<sup>1</sup>  
<sup>14</sup>Includes hunting and fishing.  
<sup>15</sup>Controlled hunting and fishing may be permitted for the purpose of wildlife control.

**§ 256.9 Real estate interests to be considered for clear zones and accident potential zone.**

- (a) The right to make low and frequent flights over said land and to generate noises associated with:
- (1) Aircraft in flight, whether or not while directly over said land,
  - (2) Aircraft and aircraft engines operating on the ground at said base, and,
  - (3) Aircraft engine test/stand/cell operations at said base.
- (b) The right to regulate or prohibit the release into the air of any substance which would impair the visibility or otherwise interfere with the operations of aircraft, such as, but not limited to, steam, dust and smoke.
- (c) The right to regulate or prohibit light emissions, either direct or indirect (reflective), which might interfere with pilot vision.
- (d) The right to prohibit electrical emissions which would interfere with

aircraft and aircraft communications systems or aircraft navigational equipment.

(e) The right to prohibit any use of the land which would unnecessarily attract birds or waterfowl, such as, but not limited to, operation of sanitary landfills, maintenance of feeding stations or the growing of certain types of vegetation attractive to birds or waterfowl.

(f) The right to prohibit and remove any buildings or other non-frangible structures.

(g) The right to top, cut to ground level, and to remove trees, shrubs, brush or other forms of obstruction which the installation commander determines might interfere with the operation of aircraft, including emergency landings.

(h) The right of ingress and egress upon, over and across said land for the purpose of exercising the rights set forth herein.

(i) The right to post signs on said land indicating the nature and extent of the Government's control over said land.

(j) The right to prohibit land uses other than the following:

(1) Agriculture.

(2) Livestock grazing.

(3) Permanent open space.

(4) Existing water areas.

(5) Rights of way for fenced two lane highways, without sidewalks or bicycle trails and single track railroads.

(6) Communications and utilities rights of way, provided all facilities are at or below grade.

(k) The right to prohibit entry of persons onto the land except in connection with activities authorized under paragraphs (a), (b), (c), and (f) of this section.

(l) The right to disapprove land uses not in accordance with § 256.8.

(m) The right to control the height of structures to insure that they do not become a hazard to flight.

(n) The right to install airfield lighting and navigational aids.

**§ 256.10 Air installations compatible use zone noise descriptors.**

(a) Composite Noise Rating (CNR) and Noise Exposure Forecast (NEF) values as previously required by Sec-

tions III., IV., and V. of DoD Instruction 4165.57, "Air Installations Compatible Use Zones," July 30, 1973<sup>1</sup> will no longer be used.

(b) Where CNR 100 (or the quietest boundary of CNR Zone 2 if otherwise computed) or NEF 30 would previously have been used, data shall be collected sufficient to permit computation of Ldn 65 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(c) Where CNR 115 (or the boundary of CNR Zone 3 if otherwise computed) or NEF 40 would previously have been used, data shall be collected sufficient to permit computation of Ldn 75 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(d) Where previous studies have used CNR or NEF, for meters of policy, noise planning and decisionmaking, areas quieter than Ldn 65 shall be considered approximately equivalent to the previously used CNR Zone 1 and to areas quieter than NEF 30. The area between Ldn 65 and Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 2 and to the area between NEF 30 and NEF 40. The area of higher noise than Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 3 and to noise higher the NEF 40. The procedures shall remain in effect only until sufficient data to compute land values can be obtained.

(e) When computing helicopter noise levels using data collected from meters, a correction of +7db shall be added to meter readings obtained under conditions where blade slap was present until and unless matters are developed which more accurately reflect true conditions.

(f) Noise contours less than Ldn 65 or more than Ldn 80 need not be plotted for AICUZ studies.

(g) Since CNR noise levels are not normally directly convertible to Ldn values without introducing significant

<sup>1</sup>Filed as part of original. Copies available in the Office of the Assistant Secretary of Defense (Installations and Logistics)—IO, Washington, DC 20301.